

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

EnergyNorth Natural Gas, Inc.

v.

Civil No. 99-cv-049-JD

Century Indemnity Company, et al.

PROCEDURAL ORDER

In response to ENGI's motion for a scheduling conference and to reschedule the trial in this case, the defendants filed a limited objection in which they raise an issue as to the recusal of Judge McAuliffe based on non-waiver of a conflict of interest. The defendants note that since the recusal, one defendant, Utica Mutual Insurance Company, has settled with ENGI and "suggest that it would be appropriate for the Clerk of the Court to determine whether the responses previously submitted by the remaining parties allow for a waiver of the conflict, and if so to advise the Court accordingly." Obj. ¶ 7. The defendants also assert that if the remaining parties have previously waived the conflict, Judge McAuliffe could hear the case.

This issue was raised in an objection, rather than in a motion which would require a response from ENGI. Therefore, the

court directs ENGI to file a response to the defendants' objection **on or before July 29, 2005.**

SO ORDERED.

---

Joseph A. DiClerico, Jr.  
United States District Judge

July 20, 2005

cc: John L. Altieri, Esquire  
Walter J. Andrews, Esquire  
Edmund J. Boutin, Esquire  
Kevin E. Buchholz, Esquire  
Doreen F. Connor, Esquire  
Bruce W. Felmly, Esquire  
Robert P. Firriolo, Esquire  
Ruth S. Kochenderfer, Esquire  
Scott E. Levens, Esquire  
Jante C. Santos, Esquire